

Ustun Yildiz  
2241 Curlew Street  
San Diego, CA 92101  
Phone # 858-534-8649

FILED

12 DEC 21 AM 8:56

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY *NP*

DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Ustun Yildiz

Plaintiff,

vs.

Janet Napolitano  
U. S. Department of Homeland Security

Alejandro Mayorkas, Director  
U. S. Citizenship and Immigration Services

Eric Hinton Holder, Jr.  
Attorney General

Paul M. Pierre  
U.S Citizenship and Immigration Services

Robert M. Cowan, Director  
USCIS, National Benefits Center

**'12 CV 3033 AJB BLM**

Case No.: \_\_\_\_\_

COMPLAINT FOR  
MANDAMUS AND  
INJUNCTIVE RELIEF

Defendants.

**COMPLAINT FOR MANDAMUS AND INJUNCTIVE RELIEF**

Petitioner / Plaintiff, Ustun Yildiz, Pro Se, presents instant Complaint before this Honorable Court requesting relief against the Defendants for their actions and for their failure to act on the Petitioner's application for permanent residence in accordance with law.

**I. INTRODUCTION**

1. This is a petition for a statutory relief pursuant to law including US Constitution, Mandamus Act (28 U.S.C. § 1361), Declaratory Judgment Act (28 U.S.C. § 2201), and the Administrative Procedures Act (5 U.S.C. § 551 et seq.) This action challenges the unreasonable delay in adjudicating of Plaintiff's family-based Adjustment Of Status (AOS) Application pending before National Benefits Center and San Diego Local Office of the United States Citizenship and Immigration Services (USCIS) since July 27, 2010.

**II. JURISDICTION**

2. This Court has subject matter jurisdiction over this petition under 28 U.S.C. § 1331 (Federal question statute) since this is a civil action arising under the Constitution and the laws of the United states, including the Fifth Amendment to the U.S. Constitution, provisions of Title 8 U.S.C. § 1101 et seq. (Immigration and Nationality Act, INA) and applicable regulations, policies and procedures arising thereunder. This Court may grant relief in this action under 28 U.S.C. § 1361 (Mandamus Act); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2201 (Declaratory

Judgment Act); and under 5 U.S.C. §§ 551, 701 et seq. (Administrative Procedures Act).

3. There are no administrative remedies available to Petitioner to redress the grievances described herein. **This action challenges only the Respondents' timeliness in adjudication of AOS petition, not the granting or denial of the petition, therefore the jurisdictional limitations of 8 U.S.C. § 1252 do not apply.**

### **III. VENUE**

4. Pursuant to 28 U.S.C. § 1391(e) venue is proper in this judicial district, because Defendants operate within this district, the substantial and final part of events giving rise to this action occurred within the district and plaintiff resides in this district.

### **IV. PARTIES**

5. Petitioner / Plaintiff Ustun Yildiz is a native and citizen of Turkey. Mr. Yildiz got married to Marcy L Vinson (US Citizen) on June 28, 2010 while he was legally present in USA. On July 27, 2010 Marcy L Vinson filed an immigration petition for Mr. Yildiz's as an immediate alien relative (form I-130, MSC1030310352). At the same time, on July 27, 2010, Mr. Yildiz filed an application for Adjustment Of Status (AOS, form I-485, MSC1030310350) to become a permanent resident of the United States with the National Benefits Center of USCIS. Both applications are still pending after *868 days* of submission. Mr. Yildiz appears before this honorable court in his own behalf as an individual, and on behalf of his derivative beneficiary – Marcy L Vinson.

6. Janet Napolitano is the Secretary of the US Department of Homeland Security and is the direct supervisor of the Director of the U. S. Citizenship and Immigration Services. Therefore she is the ultimate decision-making authority over the plaintiff's pending application with USCIS.

7. Respondent Alejandro Mayorkas is the Director of the U. S. Citizenship and Immigration Services. Pursuant *inter alia*, to 8 U.S.C. § 1103, he is charged with, among other matters, administering the USCIS by implementing and enforcing the Immigration and Nationality Act. As such, he has decision-making authority over the matters alleged in this Complaint.

8. Respondent Eric Hinton Holder Jr. is the Attorney General of the United States. Pursuant, *inter alia*, to 8 U.S.C. § 1103, he is charged with controlling determination of all issues of law pertaining to immigration and with representing the United States of America in various legal matters.

9. Respondent Paul M Pierre is the Director of USCIS San Diego District. He is the ultimate decision-making authority over the plaintiff's pending adjustment of status as alleged in this Complaint.

10. Respondent Robert M Cowan is the Director of USCIS National Benefits Center. He is responsible for the administration of immigration benefits and services including the processing of employment-based immigration petitions. As such, he has decision-making authority over the matters alleged in this Complaint.

**V. STATEMENT OF FACTS**

11. Petitioner, Ustun Yildiz and his wife Marcy L Vinson, submitted AOS application and petition for alien relative respectively with National Benefits Center of USCIS on July 27, 2010. USCIS acknowledgement documents are attached hereto as **EXHIBIT 1**.

12. Petitioner is eligible to adjust his status and admissible to the United States for permanent residence.

13. Following the submission of AOS application, Petitioner was requested to provide, and did provide fingerprints for security checks on September 4, 2010.

14. Petitioner and his wife were interviewed at USCIS San Francisco office on October 18, 2010 and December 19, 2010. USCIS San Francisco office did not adjust the status and sent their files to the Sacramento USCIS office in June 2011 after *309 days* as the petitioner and his wife moved out of the district.

15. Petitioner and his wife received an interview notice from USCIS Sacramento office on June 15, 2011 and appeared for the interview (**EXHIBIT 2**). USCIS Sacramento office did not adjust the application and sent the file to USCIS San Diego Office in May 2012 after *335 days* of the third interview date following the move of the petitioner and his wife to San Diego.

16. USCIS San Diego office interviewed the petitioner and his wife for the fourth time on July 17, 2012 and still did not adjust the application after *158 days* of this fourth interview (**EXHIBIT 3**).

17. The adjustment application has moved twice from San Francisco District Office to Sacramento District Office and finally, from Sacramento to San Diego

District Office over a period of *2 years and 4 months*, and there has been four different interviews.

18. The last request of evidence on July 17, 2012 states that a decision will be made upon the reception of required documents and no further request will be made on receipt of the required evidence (**EXHIBIT 4**). The petitioner provided the required evidence immediately, but no decision was made.

19. Concerned about his application and the reception of the requested evidence, on September 6, 2012, *772 days after submitting all required documents to USCIS*, Petitioner and his lawyer made a request for decision. The request has remained unanswered (**EXHIBIT 5**).

20. Additional “Status Inquiries” with USCIS were made by Petitioner and his lawyer on May 27, July 15, July 21 2011, and April 27, May 2, May 25, June 1, June 7, July 26, August 2, September 6, September 28, October 13, November 5, December 11, December 18, 2012 while the AOS file was pending with USCIS. The last one was done *868 days after submitting all documents to USCIS* (**EXHIBIT 6**).

21. On December 11, 2012, *147 days after submitting all additional evidence to San Diego District and 868 days after the initial filing*, Petitioner and his lawyer made a status inquiry to USCIS. The answer to this request was similar to previous service requests and states that “USCIS is still processing the application” (**EXHIBIT 7**).

22. Plaintiff has exhausted his administrative remedies.

23. As of December 11, 2012, *868 days (2 years 4 months) after submitting all documents to USCIS*, no resolution on Mr. Yildiz application has been reached

so he is filing present Complaint with the United States District Court, Southern District of California. **This action challenges only the Defendants' timeliness in adjudication of Petitioner's application, not the granting or denial of that application.**

24. Section 202 (8 U.S.C. § 1571) of the Title II of the American Competitiveness in Twenty-first Century Act of 2000 (AC21) clearly lays down the parameters of reasonableness in immigration adjudication, stating: "...It is the sense of Congress that the processing of an immigration benefit application should be completed not later than **180 days** after the initial filing of the application." Defendants are also required by 5 U.S.C. § 555(b) "within a reasonable time ... to conclude a matter presented.... ."

## **VI. INJURY TO PETITIONER**

25. The Petitioner's application to become permanent resident of the United States is pending before USCIS for *over 868 days*.

26. Petitioner is waiting and will continue to wait for a significant amount of time for a decision on his AOS application. His status in the United States has been and will continue to be uncertain. Petitioner and his wife could not plan ahead because he has not known and does not know when he becomes a permanent resident.

27. Petitioner has lost a significant work time while pursuing his adjustment of status application, making inquiries with USCIS, meeting with lawyers, applying for yearly work authorization renewals, reporting for fingerprinting, and otherwise pursuing his delayed permanent residency.

28. Petitioner has to obtain yearly work authorization permits while his AOS application is pending. This results in significant out-of-pocket expenses including attorneys' fees, inconvenience, and loss of wages.

29. Some universities and colleges consider a person without a permanent residency to be an out-of-state resident and hence charge him or her out-of-state tuition. Due to that Petitioner could not proceed with his educational plans.

30. Due to delays in adjudication of Petitioner's permanent residency application, Petitioner's naturalization (to become a U.S. Citizen) has been delayed. Therefore Respondents' unreasonable delay in adjudicating AOS application deprived Petitioner for longer time of citizenship benefits like a right to vote and fully participate in our democracy; receive a United States passport; travel freely into and out of the United States; hold a job that is restricted to United States citizens; run for public office. Also Petitioner has been and will continue to be unable to petition for his family members to immigrate to the United States as immediate relatives.

31. Petitioner rights to due process of law and equal protection under the Fifth Amendment to the United States Constitution have been and are being violated and will continue to be violated by Defendants' failures as described herein.

## **VII. GROUNDS FOR RELIEF**

32. Defendants, despite having a duty to act within reasonable time, have failed to process and adjudicate Petitioner's application for permanent residency in a timely manner.

33. Defendant USCIS' duty to process and adjudicate Petitioner's application "within a reasonable time" (*within 868 days*) is a non-discretionary duty mandated by federal and judicial precedent.

34. Defendant USCIS' conduct in failing to process Petitioner's application and adjudicate his case in a reasonably timely manner has caused unnecessary and injurious delays to Petitioner, in violation of his rights.

35. Petitioner has exhausted all administrative remedies available and has determined that no adequate remedy exists.

**Count I.**

**Mandamus Action**

**28 U.S.C. § 1651, 28 USC § 1361, 8 C.F.R. §103.2(b)(19) and 8 C.F.R. §245.2(a)(5)(i)**

36. Petitioner incorporates all allegations made hereinabove that are pertinent to this Court.

37. Defendants are charged with the mandatory responsibility of administering and implementing the Immigration and Nationality Act.

38. Defendants bear sole responsibility for timely adjudication of AOS application and for orderly attendant procedures.

39. Defendants have failed to discharge their mandated duties.

40. As a result, Petitioner has suffered and continues to suffer irreparable harm and damages entitling him to declaratory, injunctive and other relief.

41. Petitioner has exhausted all possible administrative remedies and there exists no other adequate remedy.

42. Strong humanitarian factors favor granting of Mandamus relief.

**Count II.**

**Administrative Procedures Act**

**5 U.S.C. §§ 555, 701 et seq., 8 C.F.R. §103.2(b)(19) and 8 C.F.R. §245.2(a)(5)(i)**

43. By failing to render timely decision on Petitioner's application, Defendants have violated the Administrative Procedures Act and this constitutes agency action that is arbitrary and capricious, and not in accordance with law. The Court of Appeals for DC Circuit noted that while “[t]here is no per se rule as to how long is too long to wait for agency action ... a reasonable time for agency action is typically counted in weeks or months, not years”. *In re American Rivers and Idaho Rivers*, 372 F.3d 413, 415 (D.C. Cir. 2004). The delay in this instant case is not judicially unmanageable as the USCIS failed to achieve a concrete goal – to issue a decision upon an application and violated the APA provision to do so within a reasonable time. 5 U.S.C. § 555(b). This Court has power under 5 U.S.C. § 706(1) to compel agency to perform “action unlawfully withheld or unreasonably delayed”. The Defendants required by 8 C.F.R. § 103.2(b)(19) and by 8 C.F.R. § 245.2(a)(5)(i) to provide the Plaintiff a notice about the decision upon Plaintiff's application and they have failed to do so within a reasonable time.

**Count III.**

**Administrative Procedures Act**

**5 U.S.C. § 701 et seq. and 8 C.F.R. §103.2(b)(18)**

44. Petitioner incorporates all allegations made hereinabove that are pertinent to this Court.

45. The Code of Federal Regulations establishes conditions under which the adjudication of the Plaintiff's application can be withheld. The Plaintiff's application has been pending for over 2 years and 4 months at the time of filing his complaint with the District Court. So, according to the requirements of 8 C.F.R. §

103.2(b)(18), his application should have been reviewed twice by the USCIS district director (at 1 and 1.5 year marks), once by the USCIS regional commissioner (at 2 year mark) and once by the Associate Commissioner, Examinations, with the concurrence of the Associate Commissioner, Enforcement. There is no evidence that these procedures have been followed. Therefore, the USCIS have violated the Federal regulations and “unlawfully withheld” adjudication of the legal alien’s application. Furthermore, 8 C.F.R. § 103.2(b)(18) is not part of the Subchapter II of the Chapter 12 of the INA, therefore jurisdictional bar of the INA § 242(a)(2)(B)(ii) does not preclude review of the withholding of adjudication. Thus, this Court has the power to grant a relief under 5 U.S.C. § 706(1) and to compel the USCIS to perform agency action “unlawfully withheld”.

46. Defendants have failed to discharge their mandated official duties.

47. As a result, Petitioner has suffered and continues to suffer irreparable harm and damages entitling him to declaratory, injunctive and other relief.

**Count IV.**

**Declaratory Judgment Act**

**28 U.S.C. § 2201, 8 C.F.R. §103.2(b)(18), 8 C.F.R. §103.2(b)(19) and 8 C.F.R. §245.2(a)(5)(i)**

48. Petitioner incorporates all allegations made hereinabove that are pertinent to this Court.

49. Petitioner contend that Defendants’ actions and decisions relating to delays in AOS adjudication and attendant procedures are unconstitutional, violate the INA and the applicable regulations, and are arbitrary and capricious and seek a declaration to that effect under 28 U.S.C. § 2201.

50. Defendants have failed to discharge their mandated official duties.

51. As a result, Petitioner has suffered and continues to suffer irreparable harm and damages entitling him to declaratory, injunctive and other relief.

**Count V.**

**Equal Access to Justice Act**  
**5 U.S.C. § 504 and 28 U.S.C. § 2412**

52. Petitioner incorporates all allegations made hereinabove that are pertinent to this Court.

53. If prevails, Petitioner will seek attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412.

**VIII PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully prays that the honorable Court grant the following relief:

- i. Assume jurisdiction over this cause;
- ii. Conduct such hearings and examinations of Plaintiff as necessary to determine that the relief requested by Plaintiff is warranted as a matter of law;
- iii. Declare that the Defendants' failure to act is illegal, arbitrary, capricious and abuse of discretion;
- iv. Compel Defendants and those acting under them to perform their duty to adjudicate Petitioner's application for permanent residency expeditiously and within a reasonable time;
- v. Grant attorneys fees and costs of court;
- vi. Grant such other and further relief this Court deems just and appropriate.

Dated: December 21, 2012

RESPECTFULLY SUBMITTED,



Ustun Yildiz  
Petitioner, Pro Se  
Address: 2241 Curlew Street,  
San Diego, CA 92101  
Phone# 858-534-8649

**IX EXHIBITS**

EXHIBIT 1	USCIS Receipt Notices.
EXHIBIT 2	USCIS interview notice with Sacramento District Office
EXHIBIT 3	USCIS interview notice with San Diego District Office
EXHIBIT 4	Last request for evidence on July 17, 2012
EXHIBIT 5	Last request for decision to USCIS San Diego District Office
EXHIBIT 6	Additional status inquiries receipts
EXHIBIT 7	Response of USCIS to the last status inquiry

**EXHIBIT 1**

**USCIS receipt notices**



Receipt Number: MSC-10-303-10350		Case Type: I-485 - Application to Register Permanent Residence or Adjust Status
Received Date: July 27, 2010	Priority Date:	Applicant: A203089855 YILDIZ, USTUN
Notice Date: August 03, 2010	Page 1 OF 1	ASC Code: 3
USTUN YILDIZ 3392 BRITTAN AVENUE APT 7 SAN CARLOS CA 94070		15 5918
Notice Type: Receipt Notice Amount Received \$1,010.00		

The above application has been received. Please notify us immediately if any of the above information is incorrect. If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.

#### BIOMETRICS-

The next step is to have your biometrics taken, if required, at a US Citizenship and Immigration Services (USCIS) Application Support Center (ASC).

#### PLEASE NOTE-

USCIS WILL SCHEDULE YOUR BIOMETRICS APPOINTMENT. You will be receiving an appointment notice with a specific time, date and place where you will have your fingerprints and/or photos taken.

#### WHAT TO BRING TO Your appointment -

Please bring this letter and your photo identification to your appointment. Acceptable kinds of photo identification are:

- a passport or national photo identification issued by your country,
- a driver's license,
- a military photo identification, or
- a state-issued photo identification card.

If you do not bring this letter and photo identification, we cannot process you.

Please bring a copy of all receipt notices received from USCIS in relation to your current application for benefits.

#### CASE STATUS -

Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283.

If you have Internet access, you can visit the United States Citizenship and Immigration Services website at [www.USCIS.gov](http://www.USCIS.gov) where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U S BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES  
P.O. Box 648000  
Lee's Summit, MO 64002  
National Customer Service Center: 1-800-375-5283





Receipt Number: MSC-10-303-10352		Case Type: I-130 - Petition for Alien Relative
Received Date: July 27, 2010	Priority Date:	Petitioner: VINSON, MARCY L.
Notice Date: August 03, 2010	Page 1 OF 1	Beneficiary: YILDIZ, USTUN

RECEIVED  
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

MARCY L. VINSON  
10616 MEADOWGLEN LANE APT 2501  
HOUSTON TX 77042

13  
4296

Notice Type:	Receipt Notice
Amount Received	\$355.00

The above application/petition has been received. Please notify us immediately if any of the above information is incorrect. Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283. If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.

If you have questions, you may call the BCIS National Customer Service Center at 1-800-375-5283. For TDD hearing impaired assistance, please call 1-800-767-1833.

If you have Internet access, you can visit the Bureau of Citizenship and Immigration Services website at [www.BCIS.gov](http://www.BCIS.gov) where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U S BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES  
P.O. Box 648000  
Lee's Summit, MO 64002  
National Customer Service Center 1-800-375-5283



**EXHIBIT 2**

**USCIS interview notice with Sacramento District Office**

THE UNITED STATES OF AMERICA

REQUEST FOR APPLICANT TO APPEAR FOR INITIAL INTERVIEW			NOTICE DATE May 31 2011
CASE TYPE FORM I-485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS			USCIS # A203089855
APPLICATION NUMBER MSC-10303-10350	Received date 07/27/2010	PRIORITY DATE 7/27/2010	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS  Daniel Matthew Wigon For: Ustun Yildiz 816 H Street, Ste: 108 Sacramento, CA 95814			
<p>You are hereby notified to appear for the interview appointment, as scheduled above, for the completion of your Application to Register Permanent Residence or Adjust Status (Form I-485) and any supporting applications or petitions. <i>Failure to appear for interview and/or failure to bring the below-listed items will result in the denial of your application</i> (8 CFR 103.2(b)(13)).</p> <p><i>Who should come with you?</i></p> <ul style="list-style-type: none"><li>* If your eligibility is based on your marriage, your husband or wife must come with you to the interview.</li><li>* If you do not speak English fluently, you should bring an interpreter.</li><li>* Your attorney or authorized representative may come with you to the interview.</li><li>* If your eligibility is based on a parent/child relationship and the child is a minor, the non-citizen parent and the child must appear for the interview.</li></ul> <p><i>NOTE:</i> Every adult (over 18 years of age) who comes to the interview must bring government issued photo identification, such as a driver's license or ID card, in order to enter the building and to verify his/her identity at the time of the interview. You do not need to bring your children unless otherwise instructed. Please be on time, but do not arrive more than 45 minutes early. We may record or videotape your interview.</p> <p><b>YOU MUST BRING THE FOLLOWING ITEMS WITH YOU:</b></p> <ul style="list-style-type: none"><li>* This Interview Notice and your Government issued photo identification.</li><li>* A completed medical examination (Form I-693) and vaccination supplement in a separate envelope (unless already submitted).</li><li>* A completed Affidavit(s) of Support (Form I-864) with all required evidence, including the following, for each of your spouses (unless already submitted): federal income tax returns and W-2's or certified IRS printouts for the past three years.</li><li>* Letters from each current employer, verifying current rate of pay and average weekly hours and pay stubs for the past 2 months.</li><li>* Evidence of your sponsor's and/or co-sponsor's United States Citizenship or Lawful Permanent Resident status.</li><li>* All documentation establishing your eligibility for Lawful Permanent Resident status.</li><li>* Any immigration related documentation ever issued to you, including any Employment Authorization Document (EAD) and any Authorization for Advance Parole (Form I-512).</li><li>* All travel documents used to enter the United States, including Passports, Advance Parole documents (I-512) and I-94's (Arrival/Departure Document).</li><li>* Your Birth Certificate.</li><li>* Your petitioner's Birth Certificate and your petitioner's evidence of United States Citizenship or Lawful Permanent Resident Status.</li><li>* If you have children, bring a Birth Certificate for each child.</li><li>* If your eligibility is based on your marriage, in addition to your spouse coming to the interview with you, bring:<ul style="list-style-type: none"><li>* A certified copy of your Marriage Document issued by the appropriate civil authority.</li><li>* Your spouse's Birth Certificate and your spouse's evidence of United States Citizenship or Lawful Permanent Resident Status.</li><li>* If either you or your spouse were ever married before, all divorce decrees/death certificates for each prior marriage/spouse.</li><li>* Birth certificates for all children of this marriage, and custody papers for your children and for your spouse's children not living with you.</li></ul></li><li>* Supporting evidence of your relationship, such as copies of any documentation regarding joint assets or liabilities you and your spouse may have together.</li><li>* This may include: tax returns, bank statements, insurance documents (car, life, health), property documents (car, house, etc), rental agreements, utility bills, credit cards, contracts, leases, photos, correspondence and/or other documents you feel may substantiate your relationship.</li><li>* Original and copy of each supporting document that you submitted with your application. Otherwise, we may keep your originals for our records.</li><li>* If you have ever been arrested, bring the related Police Report and the original or certified final Court Disposition for each arrest, even if the charges have been dismissed or expunged. If no court record is available, bring a letter from the court with jurisdiction indicating this.</li><li>* A certified English translation for each foreign language documents. The translator must certify that s/he is fluent in both languages and that the translation is in its entirety is complete and accurate.</li></ul> <p><b>YOU MUST APPEAR FOR THIS INTERVIEW.</b> If an emergency, such as your own illness or a close relative's hospitalization prevents you from appearing, contact this office at the below listed address as soon as possible. Please be advised that Rescheduling will delay processing of your application/petition, and may require some steps to be repeated. It may also affect your eligibility for other immigration benefits while this application is pending.</p> <p><b>CURRENT POLICY PROHIBITS THE USE OF CAMERAS OR CAMERA PHONES IN THIS FACILITY. PLEASE DO NOT BRING THESE ITEMS WITH YOU AS YOU MAY BE DENIED BUILDING ENTRY.</b></p> <p>If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.</p> <p><b>PLEASE COME TO:</b> <b>U.S. Citizenship and Immigration Services</b> 650 Capitol Mall 2d Floor, Room 2-220 Sacramento, CA 95814</p> <p>ON: June 15, 2011 AT: 9:15 am DESK: 2</p> <p><a href="http://www.uscis.gov">www.uscis.gov</a></p>			

**EXHIBIT 3**

**USCIS interview notice with San Diego District Office**



**U.S. Department of Homeland Security**  
**U.S. Citizenship and Immigration Services**  
**880 Front Street, Suite B-268**  
**San Diego, CA 92101**

Ustun Yildiz  
 Marcy Vinson  
 10615 Caminito Alvarez  
 San Diego, CA 92126

File Number: A203 089 855  
 Date: June 20, 2012

**FAILURE TO APPEAR FOR INTERVIEW MAY RESULT IN DENIAL OF APPLICATION.**

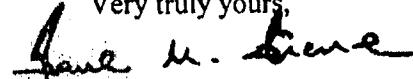
Please arrive at the office location shown below 15 minutes prior to your scheduled appointment time. If you fail to respond to this request without prior notification to the Service, your application/petition MAY be Deemed abandoned and terminated/denied.

OFFICE LOCATION	880 Front Street, ROOM 1209 FIRST FLOOR San Diego, CA 92101
DATE AND HOUR	July 17, 2012 @ 7:30 A.M.
ASK FOR	IMMIGRATION SERVICES OFFICER HERNANDEZ
REASON FOR APPOINTMENT	FORM I-485, APPLICATION TO REGISTER PERMANENT RESIDENT OR ADJUST STATUS, AND /OR FORM I-130 PETITION FOR ALIEN RELATIVE. <ul style="list-style-type: none"> <li>• <i>INTERVIEW MAY BE VIDEO TAPE.</i></li> <li>• <i>THIS INTERVIEW MAY TAKE 2 - 4 HOURS, PLEASE PLAN ACCORDINGLY.</i></li> </ul>
BRING WITH YOU	<p><b>PETITIONER MUST BE PRESENT AT THE INTERVIEW.</b></p> <p><b>BONAFIDES OF MARRIAGE, BRING ALL IMMIGRATION DOCUMENTS.</b></p> <p><i>Example Documentation: Copies of Birth Certificate(s) of child(ren) born to the marriage; Lease/Mortgage contracts showing joint occupancy and/or ownership; joint Financial Records, such as joint saving/checking accounts, joint federal/state tax returns joint insurance policies (medical/car), joint utility bills, and/or correspondence between the applicant and his or her spouse; and any other relevant documents (may include copies of family/wedding/vacation photographs together, and/or Affidavits from witnesses declaring of your bona fide marriage)</i></p> <ul style="list-style-type: none"> <li>• Bring original certificates (Birth Certificates and Marriage Certificate)</li> <li>• If you do not speak English, bring a translator.</li> <li>• This letter and VALID photo identification card (i.e. Drivers License, Passport, California Identification Card, and/or Employment Authorization Card).</li> </ul>

I am unable to keep the appointment because:

SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

cc: Daniel Matthew Wigon  
 Attorney at Law  
 816 H Street, #108  
 Sacramento, CA 95814

Very truly yours,  


Paul M. Pierre  
 DISTRICT DIRECTOR

**EXHIBIT 4**

**Last request for evidence on July 17, 2012**



**Mailing Address:** Department of Homeland Security  
U.S. Citizenship and Immigration Services  
P.O. Box 128338  
San Diego, CA 92112

ISO Medina

NAME AND ADDRESS OF APPLICANT/PETITIONER

Marcy Laine Vinson  
Hand delivered

Name of Beneficiary/Applicant:

Ustun Yildiz

DATE: July 17, 2012

FILE NO.: A203 089 855

FORM NO.:  
I-485**PLEASE COMPLY WITH THIS REQUEST  
FOR DOCUMENTS**

EIGHTY-FOUR (84) DAYS FROM THE DATE OF THIS NOTICE. A DECISION WILL BE MADE ON RECEIPT OF YOUR RESPONSE, WHETHER IN FULL OR IN PART. NO FURTHER REQUEST FOR INFORMATION WILL BE MADE. IF YOU DO NOT PROVIDE THE REQUESTED DOCUMENTATION WITHIN THE ALLOTTED TIME, YOUR APPLICATION WILL BE CLOSED/ABANDONED PURSUANT TO 8 CFR 103.2 (b)(13) AND, ACCORDINGLY SHALL BE DENIED.

The case will be adjudicated once the additional information is received. The sooner the applicant provides the information the sooner a decision will be made.

**YOU ARE GIVEN UNTIL October 11, 2012, IN WHICH TO SUBMIT THE INFORMATION REQUESTED BELOW AND NO EXTENSION OF TIME WILL BE GRANTED.**

- Form I-693 Medical submitted in a sealed envelope from a physician on the civil surgeons list.
- Medical "Supplemental" submitted in a sealed envelope from a physician on the civil surgeon's list.
- Form I-864 "Affidavit of Support" Petitioner / Qualified Cosponsor;
- Supporting documents for the "Affidavit of Support": copies of Federal Tax forms (1040) for three most recent years along with all corresponding W-2 forms; Copies of 3 most recent pay stubs; Copy of sponsor's proof of U.S. Citizenship or Legal Permanent Resident Status. *If the sponsor is self-employed, please submit a copy of the Business license and six months of recent personal bank statements.*
- Form I-797 Approval notice for  I-130  I-140  I-129 (finance or fiancée)
- Marriage certificate (must be certified by county clerk)
- 2 Identical Full Frontal Passport Style Photos for the beneficiary
- Case Disposition; Original/CERTIFIED Court Documents including ALL OF the following: Complaint, Plea, Sentence, Conviction/Judgement for all arrests during your lifetime/anywhere around the world. In the event court documents are not available please obtain a LIVE SCAN Report (see attached).
- Proof of Bona-fide Marriage/ Cohabitation: *Example Documentation: Copies of Birth Certificate(s) of child(ren) born to the marriage; Lease/Mortgage contracts showing joint occupancy and/or ownership; joint Financial Records, such as joint saving/checking accounts, joint federal/state tax returns; joint insurance policies (medical/car); joint utility bills; and/or correspondence between the applicant and his or her spouse; and any other relevant documents (may include copies of family/wedding/vacation photographs together, and/or Affidavits from witnesses declaring of your bona fide marriage).*
- Other: Copy of doctor's note concerning the dog as a service dog (emotional Support)

\*\* You may submit the requested documents by mail to the address listed above. \*\*

\*\* Please submit a copy of this notice with your documents \*\*

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701296200470%	First-Class Mail®	Delivered	July 19, 2012, 5:43 am	SAN DIEGO, CA 92101	Expected Delivery By: July 18, 2012 Certified Mail™ Return Receipt
		Depart USPS Sort Facility	July 18, 2012	SAN DIEGO, CA 92186	
		Processed through USPS Sort Facility	July 18, 2012, 1:18 am	SAN DIEGO, CA 92186	
		Depart USPS Sort Facility	July 18, 2012	SAN DIEGO, CA 92109	
		Processed through USPS Sort Facility	July 17, 2012, 8:57 pm	SAN DIEGO, CA 92109	
		Dispatched to Sort Facility	July 17, 2012, 5:49 pm	SAN DIEGO, CA 92122	
		Acceptance	July 17, 2012, 2:27 pm	SAN DIEGO, CA 92122	

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**EXHIBIT 5**

**Last request for decision to USCIS San Diego District Office**

# DANIEL MATTHEW WIGON

## ATTORNEY AT LAW

816 H STREET SUITE 108, SACRAMENTO, CA 95814 ♦ TELEPHONE (916) 447-8975 ♦ FACSIMILE (888) 788-8094

September 6, 2012

U.S. DEPARTMENT OF HOMELAND SECURITY  
U.S. Citizenship and Immigration Services  
Attention: Officer PO BOX 128338  
San Diego, CA 92112

Via USPS Priority Mail Tracking # 9410 8036 9930 0034 9641 27

*Re:* Alien Registration Number: 203 089 855

Ustun Yildiz  
Beneficiary

**DEMAND FOR DECISION  
& ADJUDICATION OF ADJUSTMENT  
OF STATUS APPLICATION**

Marcy Laine Vinson  
Petitioner (USC)

Dear Officer Medina:

On July 17, 2012, my clients Ustun Yildiz and his wife (USC), appeared in your office. I was in attendance as well. You interviewed them both together and separately. I believe that their responses to you were for the most part accurate and consistent. At the end of the interview you requested that they provide you with additional evidence, which they did immediately.

In addition, my office supplied you with a wide range of documents and photos clearly showing a long and loving relationship between my clients. You did not to my knowledge present any adverse evidence from other sources or testimony from other individuals contradicting the evidence in the record.

It has been more than 2 years since my client and his wife applied for his adjustment. On their behalf I request that you conclude your investigation and render a decision without further delay.

Currently, Ustun Yildiz and his wife are looking for a new apartment. They intend to stay in the San Diego for now, but Mr. Yildiz can seek better employment once his status is regularized, and this may necessitate moving in the future to another area in the U.S. As you are aware Marcy Vinson is self-employed and works from their home, so she is flexible and can relocate with her husband depending upon his job prospects. The delay in a decision is causing them considerable frustration.

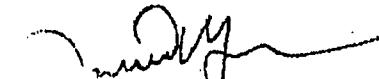
September 6, 2012

Page 2

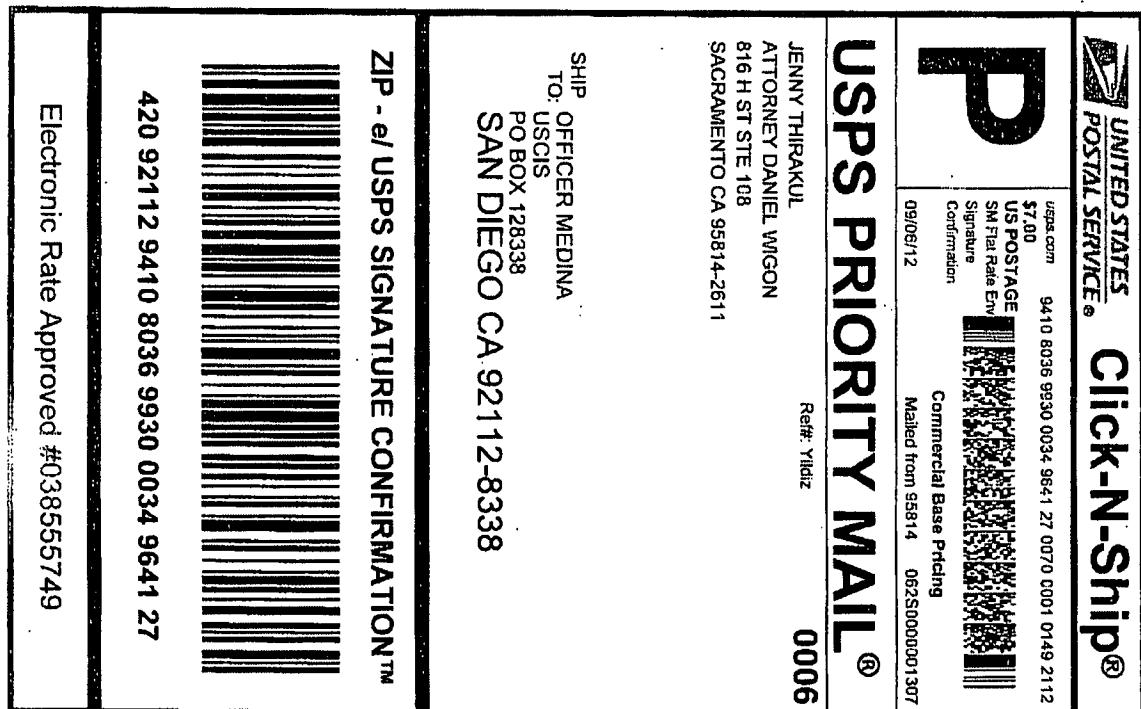
Of course I believe that your office should render a favorable decision as they have shown more than sufficient evidence that when they married they intended to create a life together. However, we are prepared to accept any decision you make, so that the case may ultimately be resolved in the proper venue. I believe that under the law a reasonable period to render a decision is such a case is 6 months. It has now been over 2 years and 2 months.

Please render a decision in this case as time is of the essence. Thank you.

Sincerely,



Daniel Matthew Wigton  
Attorney at Law



X

Cut on dotted line.

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5. Mail your package on the "Ship Date" you selected when creating this label.



## ZIP - e/ USPS SIGNATURE CONFIRMATION™

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Electronic Rate Approved #038555749

## Online Label Record (Label 1 of 1)

Signature Confirmation™ Number:  
**9410 8036 9930 0034 9641 27**

Paid Online	Priority Mail® Postage: \$4.90
Transaction #: 241499417	Signature Confirmation: \$2.10
Print Date: 09/06/2012	(Electronic Rate)
Ship Date: 09/06/2012	Total: \$7.00

From: JENNY THIRAKUL  
ATTORNEY DANIEL WIGON  
816 H ST STE 108  
SACRAMENTO CA 95814-2611  
Ref#: Yildiz

To: OFFICER MEDINA  
USCIS  
PO BOX 128338  
SAN DIEGO CA 92112-8338

\* Commercial Base Pricing Priority Mail rates apply. Signature Confirmation service electronic fee required. Delivery information is not available by phone for the electronic rate. Refunds for unused postage paid labels can be requested online 30 days from the print date. A copy of the recipient's signature will be faxed or mailed upon request by visiting the web site listed below or calling 1-800-222-1811.



Thank you for shipping with the United States Postal Service!  
Check the status of your shipment on the Track & Confirm page at [usps.com](http://usps.com)



Date: 09/11/2012

USTUN YILDIZ:

The following is in response to your 09/11/2012 request for delivery information on your Signature Confirmation(TM) item number 9410 8036 9930 0034 9641 27. The delivery record shows that this item was delivered on 09/10/2012 at 06:17 AM in SAN DIEGO, CA 92101 to J HENDRIX. The scanned image of the recipient information is provided below.

Signature of Recipient:

A scanned image of a handwritten signature in black ink. The signature reads "John Hendrix" and is written in a cursive, flowing style.

Address of Recipient:

A scanned image of a handwritten address in black ink. The address reads "P.O. Box 108338/1338" and is written in a cursive, flowing style.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

**EXHIBIT 6**

**Additional status inquiries receipts**

---

**From:** Law Office of Daniel Wigon  
**Sent:** Friday, May 27, 2011 5:24 PM  
**To:** 'uscis-sac-aos-inq@dhs.gov'  
**Cc:** 'daniel@wigonlaw.com'  
**Subject:** A 203 089 855 Ustun YILDIZ

Officer Monica Caroll-Rowlett  
Sacramento Adjustment of Status Supervisory Adjudicating Officer  
Email: uscis-sac-aos-inq@dhs.gov  
Fax: (916) 930-3871

RE: **Request for Case Status**  
Adjustment of Status of Alien Spouse of USC / Forms I-130/I-485/I-765/I-131  
BENEFICIARY: YILDIZ, Ustun A# 203 089 855

PETITIONER: VINSON, Marcy

I-485 Receipt #: MSC-10-303-10350

Dear Officer:

I represent the above-referenced individuals. Please find G-28s attached entering my appearance as the representative.

My clients are concerned about the status of their case and believe that the interviewing officer may have questioned the legitimacy of their marriage. I believe that my clients have contacted the USCIS by InfoPass and were told that everything was fine. Sometime has passed since that inquiry. After that they retained my services.

I provided the San Francisco CIS office with G-28s and received a phone call from that office notifying me that the case is being transferred to the Sacramento office. I have confirmed with the National Customer Service that your office is now in possession of the file. I am prepared to provide you with a host of documents and letters showing that the marriage was entered into in good faith. I am including with this email a list of those documents that I have in my possession.

If you need further information or would like to see my clients, please get back to me as soon as possible.

Thank you for your anticipated consideration.

Sincerely,

Daniel Matthew Wigon  
Attorney at Law  
816 H Street #108  
Sacramento, CA 95814  
Phone (916) 447-8975  
Fax (888) 788-8094  
[www.wigonalaw.com](http://www.wigonalaw.com)  
[daniel@wigonalaw.com](mailto:daniel@wigonalaw.com)

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----- Forwarded message -----

From: Daniel Wigon <daniel@wigonlaw.com>  
Date: Fri, Jul 15, 2011 at 09:05 AM  
Subject: MSC-10-303-10350 YILDIZ, Ustun A# 203 089 855  
To: R----Castillo@dhs.gov, -----inq@dhs.gov

Sacramento CIS - Fraud Detection & National Security Unit

Officer R. Castillo

Email: R-----@dhs.gov

Adjustment of Status

-----inq@dhs.gov

Fax: (916) 930-----

RE: REQUEST FOR CASE STATUS

Adjustment of Status of Alien Spouse of USC / Forms I-130/I-485/I-765/I-131

BENEFICIARY: YILDIZ, Ustun A# 203 089 855

PETITIONER: VINSON, Marcy

Receipt# I-485 Receipt #: MSC-10-303-10350

Dear Officer(s):

I represent the above-referenced individuals. Please find G-28s attached entering my appearance as their representative.

<https://mail.google.com/mail/?ui=2&ik=6a86b9e86a&view=pt&q=from...before%3A2013%2F9%2F23&qs=true&search=query&th=131277fad9f6724>

My clients are concerned about the status of their case, that your agency may have questioned the legitimacy of their marriage. I appeared with my clients on June 15, 2011 at the Sacramento CIS office. We provided several documents showing that their marriage was entered into in good faith. The interviewing office advised us it would take 2-4 weeks for a decision to be made. It has been 4 weeks and we have not received any correspondences from your agency.

If you need further information to make a determination, please contact me. My contact information can be found below.

Thank you for your anticipated consideration.

Respectfully,

Daniel Matthew Wigton  
Attorney at Law  
816 H Street #108  
Sacramento, CA 95814  
Phone (916) 447-8975  
Fax (888) 788-8094  
[www.wigtonlaw.com](http://www.wigtonlaw.com)  
[daniel@wigtonlaw.com](mailto:daniel@wigtonlaw.com)

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Client: Ustun  
Yildiz

U.S. Department of Homeland Security  
USCIS  
650 Capitol Mall  
Sacramento, CA 95814



**U.S. Citizenship and  
Immigration Services**

Wednesday, July 27, 2011

MARCY VINSON  
4800 KOKOMO DR APT 1014  
SACRAMENTO CA 95835

Dear Marcy Vinson:

On 07/21/2011 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Person who contacted us:	Wagon, Matthew
Caller indicated they are:	Attorney or Authorized Representative
Attorney Name:	WAGON, MATTHEW
Case type:	1130
Filing date:	07/27/2010
Receipt #:	MSC-10-303-10352
Referral ID:	WTC2021102460SAC
Beneficiary (if you filed for someone else):	Information not available
Your USCIS Account Number (A-number):	Information not available
Type of service requested:	Other

The status of this service request is:

Based on your request we researched the status of this case. We are actively processing this case. However, we have to perform additional review on this case and this has caused a longer processing time. If you do not receive a decision or other notice of action from us within 6 months of this letter, please call customer service at the number provided below. If you prefer, you can visit your local office by going to our website at [www.uscis.gov](http://www.uscis.gov) and making an INFOPASS appointment.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must submit Form AR-11 AND notify this office of their change of address, within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). To notify this office of a move, visit our website at: [www.uscis.gov](http://www.uscis.gov) or call the National Customer Service Center at 1-800-375-5283. The Form AR-11 can be downloaded from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. Instructions for filing the Form AR-11, including mailing instructions, are included on the Form.

U.S. Citizenship and Immigration Services

U.S. Department of Homeland Security  
USCIS  
650 Capitol Mall  
Sacramento, CA 95814



**U.S. Citizenship and  
Immigration Services**

Wednesday, July 27, 2011

WAGON, MATTHEW  
DANIEL MATTHEW WIGON ESQ.

**ATTORNEY/PARALEGAL COPY**

MARCY VINSON  
4800 KOKOMO DR APT 1014  
SACRAMENTO CA 95835

Dear Marcy Vinson:

On 07/21/2011 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

<b>Person who contacted us:</b>	Wagon, Matthew
<b>Caller Indicated they are:</b>	Attorney or Authorized Representative
<b>Attorney Name:</b>	WAGON, MATTHEW
<b>Case type:</b>	1130
<b>Filing date:</b>	07/27/2010
<b>Receipt #:</b>	MSC-10-303-10352
<b>Referral ID:</b>	WTC2021102460SAC
<b>Beneficiary (if you filed for someone else):</b>	Information not available
<b>Your USCIS Account Number (A-number):</b>	Information not available
<b>Type of service requested:</b>	Other

The status of this service request is:

Based on your request we researched the status of this case. We are actively processing this case. However, we have to perform additional review on this case and this has caused a longer processing time. If you do not receive a decision or other notice of action from us within 6 months of this letter, please call customer service at the number provided below. If you prefer, you can visit your local office by going to our website at [www.uscis.gov](http://www.uscis.gov) and making an INFOPASS appointment.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must submit Form AR-11 AND notify this office of their change of address, within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). To notify this office of a move, visit

our website at: [www.uscis.gov](http://www.uscis.gov) or call the National Customer Service Center at 1-800-375-5283. The Form AR-11 can be downloaded from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. Instructions for filing the Form AR-11, including mailing instructions, are included on the Form.

**U.S. Citizenship and Immigration Services**

U.S. CIS - 07-27-2011 06:52 PM EDT - MSC-10-303-10352

InfoPass..

**Confirmation No.:**

\* SND-12-3011 \*

**Personal Identification****Number:****(for use with appointment cancellation)****87315****Name:** **Ustun Yildiz****Appointment Type:** **Question about case****Confirmation No.:** **SND-12-3011****Authentication 16c59**  
**Code:****Cancellation PIN::** **87315****Appointment Date:** **April 27, 2012** **Appointment Time:** **10:30 AM****Location:** **880 FRONT STREET, San Diego, CA 92101;**  
**Room:** **Room 1209, Window 1, 2 or**

**Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.**

- You must appear in person and bring photo identification along with this appointment letter.
- Acceptable forms of identification are any of the following: Government issued Identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)
- In order that we may serve you more efficiently, we recommend that you bring all applicable immigration forms, letters, receipts and supporting documents. If translations are used, they should be certified. Please bring the original documents as well.
- To cancel your appointment, please visit <http://infopass.uscis.gov>, select a language and choose the option "Cancel your Appointment". You will need the Confirmation Number and Personal Identification Number listed at the top of this letter, to complete the cancellation steps.
- Window 1, 2 or 3



**Confirmation No.:**



\* S A C - 1 2 - 3 9 8 1 \*

**Personal Identification  
Number:  
(for use with appointment  
cancellation)**

**11501**

**Name: Ustun Yildiz**

**Appointment Type: Question about case**

**Confirmation No.: SAC-12-3981**

**Authentication 17ada  
Code:**

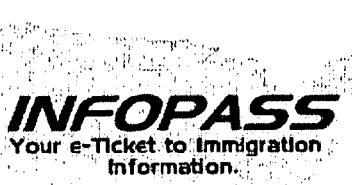
**Cancellation PIN:: 11501**

**Appointment Date: May 2, 2012      Appointment Time: 10:45 AM**

**Location: 650 CAPITOL MALL, SECOND FLOOR, ROOM 2-230,  
Sacramento, CA 95814; Room:INFOPASS**

**Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.**

- You must appear in person and bring photo identification along with this appointment letter.
- Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)
- In order that we may serve you more efficiently, we recommend that you bring all applicable immigration forms, letters, receipts and supporting documents. If translations are used, they should be certified. Please bring the original documents as well.
- To cancel your appointment, please visit <http://infopass.uscis.gov>, select a language and choose the option "Cancel your Appointment". You will need the Confirmation Number and Personal Identification Number listed at the top of this letter, to complete the cancellation steps.
- Cameras, camera phones, recording devices, weapons are not allowed in the building. Please do not bring these items to your appointment. To check in, please turn in your appointment notice to the officer at Window 8 and then have a seat. You will be called.

**Confirmation No.:**

\* S N D - 1 2 - 3 6 8 0 \*

**Personal Identification****Number:****(for use with appointment cancellation)****18335**


---

**Name:** **Ustun Yildiz**  
**Appointment Type:** **Question about case**  
**Confirmation No.:** **SND-12-3680**      **Authentication 16c59**  
**Code:**  
**Cancellation PIN::** **18335**  
**Appointment Date:** **May 25, 2012**    **Appointment Time:** **10:00 AM**  
**Location:** **880 FRONT STREET, San Diego, CA 92101;**  
**Room:****Room 1209, Window 1, 2 or**

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**Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.**

- You must appear in person and bring photo identification along with this appointment letter.
- Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)
- In order that we may serve you more efficiently, we recommend that you bring all applicable immigration forms, letters, receipts and supporting documents. If translations are used, they should be certified. Please bring the original documents as well.
- To cancel your appointment, please visit <http://infopass.uscis.gov>, select a language and choose the option "Cancel your Appointment". You will need the Confirmation Number and Personal Identification Number listed at the top of this letter, to complete the cancellation steps.
- Window 1, 2 or 3

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**Your recent inquiry (receipt #MSC-10-303-10350)**

---

**USCIS <USCIS-CaseStatus@dhs.gov>****Fri, Jun 15, 2012 at 3:45 PM**

U.S. Department of Homeland Security  
USCIS  
880 Front Street, Room 1234  
San Diego, CA 92101

U.S. Citizenship and Immigration Services  
Friday, June 15, 2012

Dear M. Yildiz:

On 06/01/2012 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:  
-- Applicant or Petitioner

Attorney Name:  
-- Information not available

Case type:  
-- I485

Filing date:  
-- 08/25/2010

Receipt #:  
-- MSC-10-303-10350

Referral ID:  
WTC1531203368SND  
Beneficiary (if you filed for someone else):  
-- Information not available

Your USCIS Account Number (A-number):  
-- 203089855

Type of service requested:  
-- Outside Normal Processing Times

The status of this service request is:

Your case is currently under review by an adjudicator.

We noticed on your request your new address at Sacramento, CA. If this is correct, please submit a online at [www.uscis.gov](http://www.uscis.gov) a change of address to update your application.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must submit Form AR-11 AND notify this office of their change of address, within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). To notify this office of a move, visit our website at: [www.uscis.gov](http://www.uscis.gov) or call the National Customer Service Center at 1-800-375-5283. The Form AR-11 can be downloaded from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. Instructions for filing the Form AR-11, including mailing instructions, are included on the Form.

U.S. Citizenship and Immigration Services



816 H STREET #108 SACRAMENTO, CA 95814  
PHONE (916) 447-8975 FAX (888) 788-8094

June 7, 2012

USCIS San Diego  
Attention: Fraud Detection Unit  
880 Front Street  
San Diego, CA 92101

*Via first-class mail*

RE: **REQUEST FOR CASE STATUS**

Case Type: I-485, Adjustment of Status of Alien Spouse of USC  
I-485 Receipt #: MSC-10-303-10350  
Beneficiary: YILDIZ, Ustun A# 203 089 855  
Petitioner: VINSON, Marcy  
Priority Date: JULY 27, 2010

Dear Officer-in-Charge,

I represent the above-referenced individuals and I am writing to request for status of their case that has been pending adjudication since July 27, 2010. Please find G-28s enclosed.

To summarize, on or about July 27, 2010, Marcy Vinson filed to petition for her husband, Ustun Yildiz, as an immediate relative. Since the initiation of their immigration process in San Francisco, the Petitioner moved from Texas to California shortly after their wedding and the couple have since moved twice, from San Francisco to Sacramento in February of 2011 and then from Sacramento to San Diego, in August of 2011. The Sacramento CIS office was in possession of the A-file from June 2011 until May of this year. It has been confirmed that your office is now in possession of the file therefore we are writing your office to request for status of the adjudication of this case.

I believe we have provided sufficient amount of evidence to prove the marriage is legitimate; therefore, the application should be approved without further delay.

Thank you for your prompt attention to this matter.

Respectfully,

Daniel Matthew Wigon  
Attorney at Law

Enclosures  G-28s for Beneficiary and Petitioner

InfoPass..

**INFOPASS**Your e-Ticket to Immigration  
Information.**Confirmation No.:**

\* S N D - 1 2 - 5 0 4 9 \*

**Personal Identification****Number:**  
**(for use with appointment  
cancellation)****77979****Name:** **Ustun Yildiz**  
**Appointment Type:** **Question about case****Confirmation No.:** **SND-12-5049****Authentication 16c59**  
**Code:****Cancellation PIN::** **77979****Appointment Date:** **July 26, 2012**    **Appointment Time:** **7:30 AM****Location:** **880 FRONT STREET, San Diego, CA 92101;**  
**Room:** **Room 1209, Window 1, 2 or**

**Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.**

- You must appear in person and bring photo identification along with this appointment letter.
- Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)
- In order that we may serve you more efficiently, we recommend that you bring all applicable immigration forms, letters, receipts and supporting documents. If translations are used, they should be certified. Please bring the original documents as well.
- To cancel your appointment, please visit <http://infopass.uscis.gov>, select a language and choose the option "Cancel your Appointment". You will need the Confirmation Number and Personal Identification Number listed at the top of this letter, to complete the cancellation steps.
- Window 1, 2 or 3

InfoPass..

**Confirmation No.:**

\* S N D - 1 2 - 5 2 2 3 \*

**Personal Identification****Number:****(for use with appointment cancellation)****91103****Name:** **Ustun Yildiz****Appointment Type:** **Speak to immigration officer****Confirmation No.:** **SND-12-5223****Authentication 16c59****Code:****Cancellation PIN::** **91103****Appointment Date:** **August 2, 2012**      **Appointment Time:** **8:45 AM****Location:** **880 FRONT STREET, San Diego, CA 92101;**  
**Room:** **Room 1209, Window 1, 2 or**

**Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.**

- You must appear in person and bring photo identification along with this appointment letter.
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- To cancel your appointment, please visit <http://infopass.uscis.gov>, select a language and choose the option "Cancel your Appointment". You will need the Confirmation Number and Personal Identification Number listed at the top of this letter, to complete the cancellation steps.
- Window 1, 2 or 3

# DANIEL MATTHEW WIGON

## ATTORNEY AT LAW

816 H STREET SUITE 108, SACRAMENTO, CA 95814 ♦ TELEPHONE (916) 447-8975 ♦ FACSIMILE (888) 788-8094

September 6, 2012

U.S. DEPARTMENT OF HOMELAND SECURITY  
U.S. Citizenship and Immigration Services  
Attention: Officer PO BOX 128338  
San Diego, CA 92112

Via USPS Priority Mail Tracking # 9410 8036 9930 0034 9641 27

*Re:* Alien Registration Number: 203 089 855

Ustun Yildiz  
Beneficiary

**DEMAND FOR DECISION  
& ADJUDICATION OF ADJUSTMENT  
OF STATUS APPLICATION**

Marcy Laine Vinson  
Petitioner (USC)

Dear Officer Medina:

On July 17, 2012, my clients Ustun Yildiz and his wife (USC), appeared in your office. I was in attendance as well. You interviewed them both together and separately. I believe that their responses to you were for the most part accurate and consistent. At the end of the interview you requested that they provide you with additional evidence, which they did immediately.

In addition, my office supplied you with a wide range of documents and photos clearly showing a long and loving relationship between my clients. You did not to my knowledge present any adverse evidence from other sources or testimony from other individuals contradicting the evidence in the record.

It has been more than 2 years since my client and his wife applied for his adjustment. On their behalf I request that you conclude your investigation and render a decision without further delay.

Currently, Ustun Yildiz and his wife are looking for a new apartment. They intend to stay in the San Diego for now, but Mr. Yildiz can seek better employment once his status is regularized, and this may necessitate moving in the future to another area in the U.S. As you are aware Marcy Vinson is self-employed and works from their home, so she is flexible and can relocate with her husband depending upon his job prospects. The delay in a decision is causing them considerable frustration.

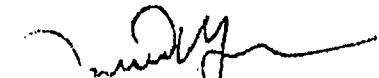
September 6, 2012

Page 2

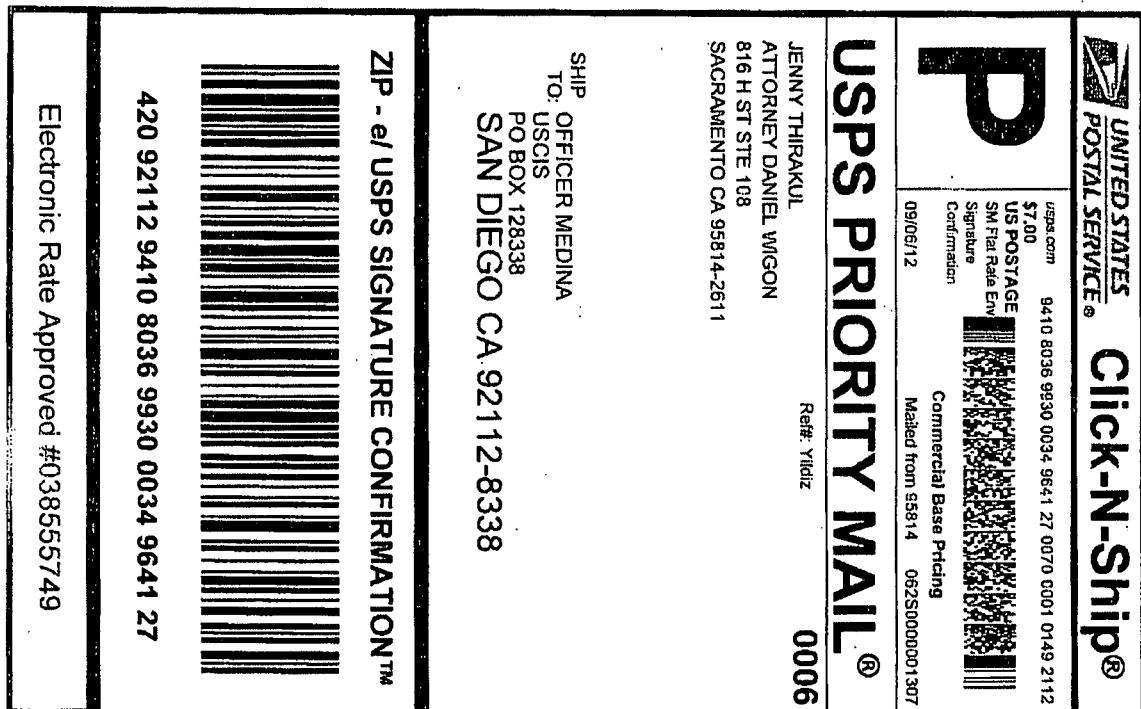
Of course I believe that your office should render a favorable decision as they have shown more than sufficient evidence that when they married they intended to create a life together. However, we are prepared to accept any decision you make, so that the case may ultimately be resolved in the proper venue. I believe that under the law a reasonable period to render a decision is such a case is 6 months. It has now been over 2 years and 2 months.

Please render a decision in this case as time is of the essence. Thank you.

Sincerely,



Daniel Matthew Wigon  
Attorney at Law



Cut on dotted line.

## Instructions

1. Each Click-N-Ship® label is unique. Labels are to be used as printed and used only once. DO NOT PHOTO COPY OR ALTER LABEL.
2. Place your label so it does not wrap around the edge of the package.
3. Adhere your label to the package. A self-adhesive label is recommended. If tape or glue is used, DO NOT TAPE OVER BARCODE. Be sure all edges are secure.
4. To mail your package with PC Postage®, you may schedule a Carrier Pickup online, hand to your letter carrier, take to a Post Office™, or drop in a USPS collection box.
5. Mail your package on the "Ship Date" you selected when creating this label.

## Online Label Record (Label 1 of 1)

Signature Confirmation™ Number:  
**9410 8036 9930 0034 9641 27**

Paid Online  
 Transaction #: 241499417 Priority Mail® Postage: \$4.90  
 Print Date: 09/06/2012 Signature Confirmation: \$2.10  
 Ship Date: 09/06/2012 (Electronic Rate)  
 Total: \$7.00

From: JENNY THIRAKUL  
 ATTORNEY DANIEL WIGON  
 816 H ST STE 108  
 SACRAMENTO CA 95814-2611

Ref#: Yildiz

To: OFFICER MEDINA  
 USCIS  
 PO BOX 128338  
 SAN DIEGO CA 92112-8338

\* Commercial Base Pricing Priority Mail rates apply. Signature Confirmation service electronic fee required. Delivery information is not available by phone for the electronic rate. Refunds for unused postage paid labels can be requested online 30 days from the print date. A copy of the recipient's signature will be faxed or mailed upon request by visiting the web site listed below or calling 1-800-222-1811.



Thank you for shipping with the United States Postal Service!

Check the status of your shipment on the Track & Confirm page at [usps.com](http://usps.com)

420 92112 9410 8036 9930 0034 9641 27

Electronic Rate Approved #038555749



Date: 09/11/2012

USTUN YILDIZ:

The following is in response to your 09/11/2012 request for delivery information on your Signature Confirmation(TM) item number 9410 8036 9930 0034 9641 27. The delivery record shows that this item was delivered on 09/10/2012 at 06:17 AM in SAN DIEGO, CA 92101 to J HENDRIX. The scanned image of the recipient information is provided below.

Signature of Recipient:

A scanned image of a handwritten signature in black ink. The signature reads "John Hendrix" and is written in a cursive, flowing style. The background of the image is white with some dark, irregular shapes.

Address of Recipient:

A scanned image of a handwritten address in black ink. The address reads "P.O. Box 108338/1358" and is written in a cursive, flowing style. The background of the image is white with some dark, irregular shapes.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

**Confirmation No.:**

\* C H V - 1 2 - 1 3 1 2 5 \*

**Personal Identification  
Number:  
(for use with appointment  
cancellation)**

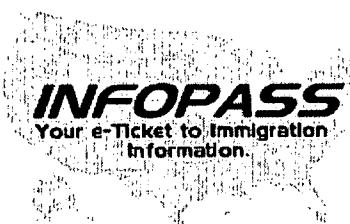
**48046****Name: Ustun Yildiz****Appointment Type: Speak to Immigration officer**

**Confirmation No.: CHV-12-13125      Authentication 16b9b  
Code:**

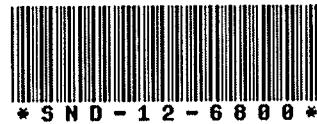
**Cancellation PIN:: 48046****Appointment Date: September 28, Appointment Time: 7:30 AM  
2012****Location: 1261 THIRD AVE, SUITE A, Chula Vista, CA 91911;  
LOBBY**

**Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.**

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- In order that we may serve you more efficiently, we recommend that you bring all applicable immigration forms, letters, receipts and supporting documents. If translations are used, they should be certified. Please bring the original documents as well.
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- If you do not speak English, bring a translator.



Confirmation No.:



\* S N D - 1 2 - 6 6 8 8 \*

Personal Identification Number:  
(for use with appointment  
cancellation)

06201

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Name: **Ustun Yildiz**  
 Zip Code: **92101**  
 Appointment Type: **Speak to immigration officer**  
 Confirmation No.: **SND-12-6800** Authentication Code: **16c59**  
 Cancellation PIN: **06201**  
 Appointment Date: **November 5, 2012** Appointment Time: **8:30 AM**  
 Location: **880 FRONT STREET, San Diego, CA 92101; Room:Room  
1209, Window 1, 2 or**

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**Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.**

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- Window 1, 2 or 3

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**U.S. Department of Homeland Security**  
880 Front Street, Room B268  
San Diego, CA 92101



**U.S. Citizenship and  
Immigration Services**

Wednesday, December 12, 2012

USTUN YILDIZ  
2241 CURLEW STREET  
SAN DIEGO CA 92101

Dear Ustun Yildiz:

On 12/11/2012 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

**Caller indicated they are:**

Applicant or Petitioner

**Attorney Name:**

Information not available

**Case type:**

I485

**Filing date:**

07/27/2010

**Receipt #:**

MSC-10-303-10350

**Referral ID:**

SR13461203316CVS

**Beneficiary (if you filed for someone else):**

Information not available

**Your USCIS Account Number (A-number):**

Information not available

**Type of service requested:**

Outside Normal Processing Times

The status of this service request is:

We are actively processing this case. However, we have to perform additional review on this case and this has caused a longer processing time. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact customer service.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must submit Form AR-11 AND notify this office of their change of address, within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). To notify this office of a move, visit our website at: [www.uscis.gov](http://www.uscis.gov) or call the National Customer Service Center at 1-800-375-5283. The Form AR-11 can be downloaded from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. Instructions for filing the Form AR-11, including mailing instructions, are included on the Form.

U.S. Citizenship and Immigration Services

**EXHIBIT 7**

**Response of USCIS to the last status inquiry**

**U.S. Department of Homeland Security**  
880 Front Street, Room 13268  
San Diego, CA 92101



**U.S. Citizenship and  
Immigration Services**

Wednesday, December 12, 2012

USTUN YILDIZ  
2241 CURLEW STREET  
SAN DIEGO CA 92101

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**Attorney Name:**

Information not available

**Case type:**

I485

**Filing date:**

07/27/2010

**Receipt #:**

MSC-10-303-10350

**Referral ID:**

SR13461203316CVS

**Beneficiary (if you filed for someone else):**

Information not available

**Your USCIS Account Number (A-number):**

Information not available

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U.S. Citizenship and Immigration Services